

PART V.—Personnel of Aircraft.

38. Personnel to be carried in flying machines.—Subject to the provisions of rule 6, every flying machine registered in India shall comply with such of the following requirements in respect of the personnel which it carries and by which it is operated as are applicable to the class of flying machine to which it belongs:—

(1) *Private pilot.*—Every private flying machine shall be flown by a person holding a Private Pilot's licence ("A" licence) or a Public Transport Pilot's licence ("B" licence) issued in accordance with sub-rules (1) and (3) respectively of rule 41:

Provided that a flying machine, which is carrying a passenger or passengers other than a person licensed to give instruction in flying in accordance with sub-rule (3) of this rule, may not be flown by a person holding only a Private Pilot's licence ("A" licence) unless he has had not less than 25 hours' solo flying experience, has a certificate from a licensed pilot instructor that he is considered sufficiently qualified for the purpose and has previously flown a flying machine of the same type and has satisfactorily completed three landings and three take-offs therein.

(2) *Public transport or aerial work pilot.*—Every public transport or aerial work flying machine shall be flown by a person holding a Public Transport Pilot's licence ("B" licence) issued in accordance with sub-rule (3) of rule 41:

Provided that within India, such flying machine, when flying by day and when not employed on a scheduled air transport service, may be flown by a person holding an "A" licence which has been specially endorsed in accordance with sub-rule (2) of rule 41 ("A-1" licence):

Provided further that a flying machine, the property of or being used by a duly constituted flying club, carrying a member of the club otherwise than for the purpose of instructing such member in flying shall not, for the purpose of this rule, be deemed to be flown for public transport notwithstanding that payment may be made to the flying club for such carriage, unless payment is made either directly or indirectly to the pilot of the flying machine or the pilot of the flying machine is a paid employee of the flying club in which case the aircraft shall be deemed to be flown for public transport.

(3) *Pilot instructor.*—Every flying machine which is being used for the purpose of giving instruction in piloting shall carry, except when flown solo by a pupil under instruction, a person holding a "B" licence which has been specially endorsed for instructional purposes in accordance with sub-rule (4) of rule 41, and no other person may impart, for a remuneration of any nature whatsoever, instruction in piloting flying machines:

Provided that the holder of a "B" licence which has not been so endorsed may, when acting as assistant to a licensed pilot instructor, impart such instruction but shall in no case authorize a person under instruction to perform his first solo flight nor give instruction in any form of acrobatics.